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8 IN THE UNITED STATES DISTRICT COURT
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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR 12-00155 EMC
12 Plaintiff,) STIPULATION AND [PROPOSED]
13 v.) ORDER CONTINUING HEARING
14 JAVIER FRANCISCO REYES,) DATE TO OCTOBER 3, 2012 AND
15 Defendant.) EXCLUDING ADDITIONAL TIME
16) FROM SEPTEMBER 26, 2012 TO
17) OCTOBER 3, 2012
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18 STIPULATION

19 For reasons relating to the availability of defendant's consulting expert, the details of which
20 defense counsel has communicated to government counsel, the defense requests that the filing of the
21 reply brief be continued from September 19, 2012 to September 26, 2012 and that the hearing date
22 be continued to September 26, 2012 to October 3, 2012. The government has no objection to this
23 request.

24 The parties also agree that the time between September 26, 2012 and October 3, 2012 should
25 be excluded under the Speedy Trial Act; the continuance is necessary for effective preparation of
26 counsel, 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), and the ends of justice served by granting

1 such a continuance outweigh the best interests of the public and the defendant in a speedy trial. 18
2 U.S.C. § 3161(h)(7)(A).

3 SO STIPULATED.

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5 Dated: 9/19/12

6 MELINDA HAAG
United States Attorney

7 /s/

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J. MARK KANG
9 Special Assistant United States Attorney

10 Dated: 9/19/12

11 /s/
12 SHAWN HALBERT
13 Attorney for Defendant

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ORDER

2 For the reasons stated above, the Court orders that defendant may file his reply motion by
3 September 26, 2012 and the Court will hear the motion on October 3, 2012 at 2:30 p.m.
4 [or _____, 2012].

5 IT IS FURTHER ORDERED that the time between September 26, 2012 and October 3, 2012
6 should be excluded under the Speedy Trial Act; the continuance is necessary for effective
7 preparation of counsel, 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), and the ends of justice served
8 by granting such a continuance outweigh the best interests of the public and the defendant in a
9 speedy trial. 18 U.S.C. § 3161(h)(7)(A).

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11 SO ORDERED.

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13 DATED: 9/20/12

